

The Building Code Crush

By James N. Bartl, AIA, Director of Code Enforcement for Mecklenburg County

North Carolina has a long history as a national leader in the building code development process. In 1905 we enacted a statewide building law for towns over 1,000 in population, requiring inspector positions and directing the Commissioner of Insurance to oversee them. In 1933, the General Assembly created the Building Code Council (BCC), responsible for writing and amending the code and hearing local appeals on interpretations. The BCC published the first North Carolina State Building Code (NCSBC) in 1936.

The highly bureaucratic North Carolina code development process adopts a new code every three years based on a national model and considers changes every three months. The first NC Building Code consisted of a single 100-page volume. Today the NCSBC spans 12 volumes. The trend, both historical and recent, appears to be ever expanding, never decreasing regulations. While regulations must address contemporary issues and technical advances in design and construction, some attempt must be made to make these changes relevant, well understood and usable at the local level.

In the grueling task of analyzing and adopting codes, the perspective of how the NCSBC impacts the state economy has been lost. The economic impact is far reaching, touching both existing businesses attempting to grow or reposition themselves, as well as new businesses considering locating in North Carolina. The time has come to evaluate whether a process developed in 1933 still works well in 2003.

A Model for States

More than a dozen years ago representatives from the architectural, engineering and code inspection industries around the nation gathered to consider how building codes affect the flow of commerce between state lines. What they found was a patchwork system of model codes developed on a regional basis that inhibited not only design professionals from effectively working across the country, but businesses from expanding in a uniform and consistent manner.

After more than 12 years of research, consolidation, and flexible management, the 3 major code writing agencies in the country combined their resources to begin a new era in building code development by creating the International Code Council (ICC). The idea was to take the best of all 3 model codes and form one document that could be applied consistently across the country.

In 2000, the ICC released its first model building code intended for adoption by all the states in the country. To date 46 states have adopted the International Building Code (IBC) as the basis for their own state's building regulations. North Carolina began using the IBC in 2002. However, its adoption came with heavy modifications, significantly weakening the benefits of a common code.

Economic Considerations

The current NC Building Code passed by the Building Code Council in 2001 is a heavily amended IBC, essentially creating a hidden construction tax or surcharge for growing your business in North Carolina. The current code contains over 571 pages of amendments. These amendments impact all construction related business investment in North Carolina.

Today's North Carolina economy isn't limited to local or state interest. It is a regional, national and international economy. This state stands to gain or lose based on its ability to compete in this type of global economy. Many factors can level the playing field or throw it out of whack - building codes are one of those factors.

An expanding international economy requires new facilities, or the recycling or expansion of existing facilities. Codes are a significant factor considered in locating new facilities. Companies expect regulations, but they want those regulations to be the same as their competition. Similarly, company decisions on investing in facility expansion, are impacted by the perception of a level regulatory playing field, and reasonable regulatory requirements.

The use of an un-amended International Building Code can level the playing field for North Carolina, placing the state in a strong competitive position and supporting a strong economy. Of the 46 states adopting the IBC, most have done so with minimal technical amendments. It is significant to note that all the states around North Carolina have adopted the IBC with minimal amendments, specifically Virginia, Georgia, Maryland and South Carolina. Because of this North Carolina is at a competitive disadvantage for attracting business infrastructure.

Impact of Amendments

All these unique North Carolina amendments have a tremendous impact on the \$35 billion of construction invested in North Carolina annually. Amendments make understanding the code more difficult. As noted by the periodical *Civil Engineering* in its September 2000 issue, "The complexity of today's ordinances and building codes contributes to delays in the permitting process. Submitters unknowingly fail to comply with all regulations or simply do not understand them."

Amendments increase architects and engineers fees and business will forego any savings from an un-amended IBC, as professionals struggle with the peculiarities of North Carolina amendments. When those peculiarities are caught in the field, construction costs escalate rapidly.

There are several governmental expenses associated with amendments to the IBC. They necessitate the maintenance of a statewide bureaucracy (Engineering Division, Department Of Insurance), which duplicates many of the resources available through the International Code Council. The amendments make it harder to teach the code, increasing local costs to train staff. This limits or negates the usability of national teaching resources available from the ICC. There is additional local plan review time required to deal with out of state architects wrestling with the North Carolina version of the IBC and its amendments. And finally there is additional inspection time required with out of state contractors unfamiliar with NC amendments.

What Are We Gaining?

So what do the North Carolina technical amendments represent? How do they compare to the IBC requirements? Few of the North Carolina changes deal with life and safety issues. Most of the changes have resulted from address disagreements among code officials over minutia. Often state technical amendments boil down to personal preference or minor nuance. In a number of cases, Building Code Council members simply didn't want change.

The International Building Code was developed through a rigorous process involving all of the previous 3 model code adopting organizations. This represents virtually all the code officials from

around the country. The document is destined to be an internationally used code, a common set of rules that everyone in the design and construction community had envisioned for decades.

There are no significant benefits to heavily amending the IBC, only significant downsides. To the extent that other states embrace the IBC, an un-amended code gives their business communities a level playing field. Conversely, the North Carolina Building Code Council through its insistence on heavily amending the IBC has changed the regulatory landscape into an economic hurdle that growing businesses must jump over to locate or remain in this state.